

## **EXHIBIT A**



## **Robert S. Salcido**

**Partner**

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## **Education**

- J.D., Harvard Law School, 1988

- B.A., Claremont McKenna College, 1984

## Bar Admissions

- California
  - District of Columbia
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## Key Experience

- Represents Fortune 500 companies, major nonprofit health care systems and executives in responding to governmental civil and criminal investigations.
- One of the few lawyers who has successfully litigated multiple FCA actions against the government at trial and at summary judgment.
- Has authored an extensive (1050 pages) FCA treatise and more than 30 articles and spoken at more than 70 conferences regarding the scope and application of the FCA and health care fraud and abuse laws.
- Recognized by multiple publications for prevailing in several high stakes FCA lawsuits.

## Areas of Focus

- False Claims Act/Qui Tam Defense >
- Fraud & Abuse Compliance and Litigation >
- Health Care Regulatory Compliance Counseling >
- Health Care & Life Sciences >
- Health Care Litigation & Investigations >

## Biography

Robert Salcido represents clients in False Claims Act (FCA) and *qui tam* litigation and provides counseling regarding the application of health care fraud and abuse laws. As lead counsel, he has successfully defended a number of FCA actions by obtaining the dismissal of the lawsuit on appeal, at trial, at summary judgment and at the pleading stage.

Robert has authored books and multiple articles, including several cited in court decisions, regarding the FCA and health care fraud and abuse laws. Robert has lectured extensively on defenses to FCA actions; health care coding compliance; and FCA whistleblower litigation, including national conferences sponsored by the American Bar Association, the American Health Law Association and the Health Care Compliance Association.

Prior to joining Akin, Robert was a trial attorney with the U.S. Department of Justice in the Civil Fraud Unit from 1988 to 1993. He prosecuted cases under the FCA, handled cases under the FCA's voluntary disclosure provisions and concentrated on whistleblower actions brought under the *qui tam* provisions of the FCA.

[Click here](#) for a full list of Robert's written works, including books, chapters in books and articles.

## Speeches

- “AseraCare’s Aftermath and Other Trending False Claims Act Defenses Related to Government Investigations and Litigation Against Long Term and Post-Acute Care Providers,” American Health Law Association Long Term and Post-Acute Care Law and Compliance 2023, March 2, 2023.
- “Health Care Fraud and Abuse: 2022 False Claims Act Update,” American Health Law Association, October 19, 2022.
- “False Claims Act Update,” American Health Law Association Fraud and Compliance Forum, September 28-30, 2022.
- “Hot topics 2022: Focus on Infrastructure and Pandemic Relief Funds,” American Bar Association Virtual Civil False Claims Act and Qui Tam Enforcement Institute, September 12-14, 2022.
- “Efficiently and Effectively Managing Government Law Enforcement Investigations,” American Health Law Association In-House Counsel Program, June 26, 2022.
- “FCA Activity Surrounding Nursing Homes, Skilled Nursing Facilities, and Hospice Care: Unwritten Lessons for Life Sciences & Healthcare Companies,” ACI’s Virtual False Claims and Qui Tam Summit for Life Sciences and Healthcare, September 24, 2021.
- “Hot Topics in Fraud and Abuse,” The American Law Association Virtual Annual Meeting, June 29, 2021.
- “Interactive Ethical Considerations for the FCA Litigator,” ACI’s 8th Annual Forum on False Claims and Qui Tam Enforcement, March 21, 2021.

- “Cutting Edge Issues Regarding False Claims Act, Stark, Kickback Allegations,” The American Health Law Association’s Virtual Annual Fraud and Abuse Conference, October 1, 2020.
- “Fraud Hot Topics,” American Health Law Association Annual Meeting, June 30, 2020.
- “Significant False Claims Act Case Law Developments and Preparing for FCA Enforcement in the Post-COVID-19 World,” American Health Law Association Webinar, May 27, 2020.
- “Qui Tam Settlements – Latest Trends,” The Healthcare Roundtable, September 11-13, 2019.
- “Department of Justice’s Evolving Civil Enforcement Priorities,” Congressional Civil Justice Academy, February 22, 2019.
- “Health Care Enforcement and the False Claims Act (FCA) – Industry Trends and Legal Developments,” Southeastern White Collar Crime Institute, September 5-7, 2018.

[Click here](#) for a full list of conferences at which Robert has spoken.

## Recognition

Robert has won extensive recognition for FCA litigation success:

- Selected for inclusion in *The Best Lawyers in America*, 2021-2022.
- Recognized by BTI Consulting Group as 2020 Client Service All-Star, which is based on in-depth interviews with general counsel and recognizes lawyers who have been identified as “delivering the absolute best levels of client service.”
- Recognized by *The National Law Journal* in its 2019 inaugural list of Health Care Law Trailblazers regarding those who have made an impact through new strategies or innovative court cases for several notable FCA wins.
- Recognized by *The National Law Journal* in its 2018 Winning Litigators chosen for their “great results for clients in high stakes matters” for obtaining a successful trial verdict in an FCA lawsuit.
- *Chambers USA*: America’s Leading Lawyers for Business. In the 2011-2021 editions of *Chambers USA*, Robert is listed under Healthcare: Regulatory & Litigation, Leading Individuals (Nationwide) (Band 1) and as Healthcare Leading Individuals (District of Columbia) (Band 1).
- Recognized by *The National Law Journal* in its 2014 Litigation Trailblazers & Pioneers as one of 50 “people who have made a difference in the fight for Justice” for his outstanding work in defending FCA lawsuits.
- Recognized in *Law360*, which selected Robert as one of the four Health Care MVPs for 2012 based upon a successful trial verdict obtained in defense of a national skilled nursing

facility chain in an \$895 million FCA lawsuit the government filed.

- Recognized by Washington, DC Super Lawyers in the health care practice area (2008-2011; 2013-2020).

Robert also won awards for his governmental service, including:

- 1993 Department of Health and Human Services Office of Inspector General (OIG) Integrity Award (highest award OIG bestows to individuals outside of the OIG).
- 1992 United States Department of Justice Special Achievement Award (for Sustained Superior Performance of Duty).
- 1991 United States Department of Justice Special Achievement Award (for Sustained Superior Performance of Duty).

## **Representative Work**

Robert has successfully defended FCA actions at trial, summary judgment, appeal and at the pleading stage.

- Represented Golden Living in an FCA action where the federal government had sued Golden Living's predecessor company, Beverly Enterprises, for \$895 million, alleging that Beverly had engaged in an unlawful kickback scheme with McKesson Corp. in violation of the Anti-Kickback Act and the FCA. After 14 days of trial, the court ruled that Beverly and McKesson did not violate the FCA or the Anti-Kickback Act because their business negotiations were fair, reasonable and conducted in good faith. Reported Decision: *United States of America ex rel. Jamison v. McKesson Corp.*, 900 F. Supp. 2d 683 (N.D. Miss. 2012).

## **Recent Successful FCA Actions at Summary Judgment**

- Represented Aegis Therapies (a rehabilitation therapy company) and a Golden Living skilled nursing facility (SNF) where the federal government had alleged that defendants provided medically unnecessary rehabilitation therapy. The district court granted defendants' summary judgment motion. Reported Decision: *United States ex rel. Lawson v. Aegis Therapies, Inc.*, 2015 U.S. Dist. LEXIS 45221 (S.D. Ga. Mar. 31, 2015).
- Represented a physician and multispecialty group practice that the government accused of providing medically unnecessary services. The district court dismissed all of the government's claims on summary judgment. Ultimately, because the United States' action lacked "substantial justification," the U.S. was ordered to pay defendants more than \$400,000 in legal fees. In making the ruling, the court ruled that Medicare fraud law is an

area of expertise and that it was undisputed that Robert possessed such expertise.

Reported Decision: *United States v. Prabhu*, 442 F. Supp. 2d 1008 (D. Nev. 2006).

- Represented Golden Living in an action where relator and government sued multiple defendants alleging that they violated the FCA because they knowingly created and operated a supply company in violation of Medicare Supplier Standards. The district court granted defendants' summary judgment motion regarding the Supplier Standards allegations, finding that the government's prior administrative proceedings demonstrated that the defendant supply company was entitled to payment. Reported Decision: *United States of America ex rel. Jamison v. McKesson Corporation*, 784 F. Supp. 2d 664 (N.D. Miss. 2011).
- Represented Huron Consulting Group in a *qui tam* action alleging that Huron caused St. Vincent's Catholic Medical Centers to inflate its charges to obtain an unlawfully excessive amount of Medicare outlier payments. At summary judgment, the court dismissed plaintiff's claim, ruling that there could be no FCA violation as a matter of law because the alleged practice—raising charges on the chargemaster, which resulted in the receipt of additional outlier payments—"was not forbidden by either regulation or standard practice." Reported Decision: *United States ex rel. Assoc. Against Outlier Fraud v. Huron Consulting Grp., Inc.*, 929 F. Supp. 2d 245 (S.D.N.Y. 2013).
- Represented Golden Living nursing facility where plaintiff alleged that nursing facility submitted false claims because it employed an unlicensed nurse. The court granted defendant's motion, finding that under the Centers for Medicare & Medicaid Services' (CMS) rules, the license never became invalid. Reported Decision: *U.S. ex rel. Jehl v. GGNSC Southaven, LLC*, 2022 U.S. Dist. LEXIS 58251 (N.D. Miss. Mar. 30, 2022).

## **Successful FCA Appeals**

- Represented Huron Consulting Group before the 2nd Circuit, which affirmed the district court ruling at summary judgment to dismiss relator's FCA action. Reported Decision: *United States ex rel. Assoc. Against Outlier Fraud v. Huron Consulting Grp., Inc.*, 567 Fed. Appx. 44 (2d Cir. 2014).
- Represented Trinity Industries in its appeal from a \$663 million FCA judgment. The 5th Circuit reversed the trial court's verdict, finding that the relator failed to satisfy the FCA's materiality element. Reported Decision: *United States ex rel. Harman v. Trinity Indus., Inc.*, 872 F.3d 645 (5th Cir. 2017).
- Represented Golden Living nursing facility before Fifth Circuit, affirming district court ruling at summary judgment that relator's action was meritless. Reported decision: *United States ex rel. Jehl v. GGNSC Southaven LLC*, 2022 U.S. App. LEXIS 33584 (5th Cir. Dec. 6, 2022).

- Represented ExxonMobil before the 10th Circuit, which affirmed the district court's dismissal of the relator's action under public disclosure bar. Reported Decision: *In re re Natural Gas Royalties Qui Tam Litigation*, 562 F.3d 1032 (10th Cir. 2009).
- Represented Golden Living before the 5th Circuit, which affirmed the district court's dismissal of the relator's action under FCA public disclosure bar. Reported Decision: *United States ex rel. Jamison v. McKesson Corp.*, 649 F.3d 322 (5th Cir. 2011).

## Other Successful FCA Defenses

- Along with successfully representing defendants at trial, summary judgment and appeal, Robert has served as lead counsel in multiple FCA actions where the court dismissed the FCA actions at the pleading stage.

[Click here](#) for a full list of litigation where Robert was lead or co-counsel resulting in the Court's dismissal of FCA lawsuits.

**"Robert Salcido is one of the most knowledgeable lawyers about the False Claims Act in the country."**

Chambers USA, 2021



Robert Salcido has successfully defended multiple FCA actions against the government and relators resulting in the dismissal of the action.

## A. Pleading Stage

Robert has been lead counsel in following actions resulted in dismissal of the action at the pleading stage.

- *United States ex rel. Rasmussen v. Essence Grp. Holdings Corp.*: Represented CoxHealth in action where relator, a physician that Cox previously employed, alleged that Cox defrauded the Medicare Advantage (MA) program by paying “kickbacks” to physicians (a \$100 payment) to induce them to perform no-cost preventive care examinations of patients in the hope that the physician would diagnose the patient with a condition that would increase payment under the MA program. The Court rejected relator’s contention finding that, unlike traditional Medicare, MA does not generally prohibit preventive care exams and no kickbacks were paid in violation of the Anti-Kickback Statute because MA does not compensate Cox or the physician for providing the preventive care exam. *See id.*, 2020 U.S. Dist. LEXIS 137953 (W.D. Mo. Apr. 29, 2020).
- *United States ex rel. Graziosi v. Accretive Health, Inc.*: Represented The Methodist Health Care System in action alleging that it entered into contract with a billing company and conspired with it to provide medically unnecessary services. The district court dismissed the action under Fed. R. Civ. P. 9(b) and 12(b)(6). *See id.*, 2017 U.S. Dist. LEXIS 41076 (N.D. Ill. Mar. 22, 2017).
- *United States ex rel. Moore & Co., P.A. v. Majestic Blue Fisheries, LLC*: Represented defendants in an action where plaintiff contended that defendants misrepresented ownership and control of entities to obtain government licenses. The district court dismissed plaintiff’s action because the alleged violation had no impact on government funds or property. *See id.*, 196 F. Supp. 3d 436 (D. Del. 2016).
- *United States ex rel. Portilla v. Riverview Post Acute Care Ctr.*: Represented a skilled nursing facility (SNF) where the relator alleged that the SNF violated the FCA because, despite doctor’s orders, the SNF failed to provide bed alarms and abdominal binders to residents. The district court dismissed the action, finding that there was no FCA violation because the failure to provide a bed alarm or abdominal binder would not change the government’s reimbursement rate and hence any regulatory violation would not be material to the government’s payment decision. *See, id.*, 2014 U.S. Dist. LEXIS 44002 (D.N.J. Mar. 31, 2014).
- *United States ex rel. Westlund v. LabCorp*: Represented LabCorp in obtaining dismissal of qui tam case under Fed. R. Civ. P. 12(b)(6) and 9(b) where relator alleged LabCorp violated the FCA and Anti- Kickback Act. *See id.*, 2012 U.S. Dist. LEXIS 57050 (M.D. Fla. Apr. 24, 2012).
- *United States ex rel. Huey v. Summit Healthcare Ass’n, Inc., et al.*: Represented Brim Healthcare, a hospital management company where qui tam plaintiff alleged a hospital Brim managed received a substantial Medicare overpayment. The court granted Brim’s motion to dismiss, ruling that it could not have “caused” the hospital to submit false claims or “conspired”

with it because Brim's mere knowledge that another party may be committing fraud, without more, does not result in an FCA violation, let alone a conspiracy to violate the FCA. *See id.*, 2011 U.S. Dist. LEXIS 26740 at \*21-\*22 (D. Ariz. Mar. 2, 2011).

- *In re Natural Gas Royalties Qui Tam Litigation*: Represented ExxonMobil in a qui tam action alleging that more than 300 defendants undervalued the heating content and volume of gas. The district court dismissed the relator's action under the FCA public disclosure jurisdictional bar. The 10th Circuit affirmed the district court's ruling. Also represented a group of defendants that successfully moved the Court to award defendants' their attorney fees based upon the relator filing a frivolous action. *See id.*, 562 F.3d 1032 (10th Cir. 2009); 467 F. Supp. 2d 1117 (D. Wyo. 2006).
- *State of Indiana v. Franciscan Alliance, Inc.*: Represented Franciscan Alliance, Inc., in action where State filed action alleging violation of State FCA because a nurse failed to renew her nursing license. State agreed to walk away from action after reviewing motion to dismiss briefing. *See id.*, No. 1:18-cv- 3556 (S.D. Ind. filed Nov. 14, 2018).

## B. Summary Judgment

In actions that have made it past the pleading stage, Robert, as lead counsel, has successfully represented several defendants who obtained a Judgment against the government or the relator at the summary judgment stage, including:

- *U.S. ex rel. Jehl v. GGNCS Southaven, LLC*: Represented Golden Living nursing facility where plaintiff alleged that nursing facility submitted false claims because it employed an unlicensed nurse. The court granted defendant's motion, finding that under the Centers for Medicare & Medicaid Services' (CMS) rules, the license never became invalid. *See id.*, 2022 U.S. Dist. LEXIS 58251 (N.D. Miss. Mar. 30, 2022).
- *United States ex rel. Lawson v. Aegis Therapies, Inc.*: Represented Aegis Therapies (a rehabilitation therapy company) and a Golden Living SNF where the government alleged that defendants provided medically unnecessary rehabilitation therapy. The district court granted defendants' summary judgment motion, finding that the government failed to prove that defendants' certification regarding medical necessity was objectively false. *See id.*, 2015 U.S. Dist. LEXIS 45221 (S.D. Ga. Mar. 31, 2015).
- *United States ex rel. Assoc. Against Outlier Fraud v. Huron Consulting Grp., Inc.*: Represented Huron Consulting Group in a qui tam action alleging that Huron caused St. Vincent's Catholic Medical Centers to inflate its charges to obtain an unlawfully excessive amount of Medicare outlier payments. At summary judgment, the court dismissed plaintiff's claim, ruling that there could be no FCA violation as a matter of law because the alleged practice—raising charges on the charge master, which resulted in the receipt of additional outlier payments—"was not forbidden by either regulation or standard practice." *See id.*, 929 F. Supp. 2d 245 (S.D.N.Y. 2013).

- *United States of America ex rel. Jamison v. McKesson Corporation:* Represented Golden Living in an action where relator and government sued multiple defendants alleging that they violated the FCA because they knowingly created and operated a supply company in violation of Medicare Supplier Standards. The district court granted defendants' summary judgment motion regarding the Supplier Standards allegations, finding that the government's prior administrative proceedings demonstrated that the defendant supply company was entitled to payment. *See id.*, 784 F. Supp. 2d 664 (N.D. Miss. 2011).
- *United States v. Prabhu:* Represented defendant physician and multispecialty group practice that the government accused of FCA violations. The district court dismissed all the government's claims on summary judgment. Ultimately, because the government's action lacked "substantial justification," the government was ordered to pay defendants more than \$400,000 in legal fees. *See id.*, 442 F. Supp. 2d 1008 (D. Nev. 2006).

## C. Trial

In cases that proceeded past summary judgment, Robert has successfully defended the action at trial, including:

- *United States of America ex rel. Jamison v. McKesson Corporation:* Represented Golden Living in FCA action where the government sued Golden Living's predecessor company, Beverly Enterprises ("Beverly"), for \$895 million alleging that Beverly had engaged in an unlawful kickback scheme with McKesson Corp. in violation of the Anti-Kickback Act and the FCA. After 14 days of trial, the court ruled that Beverly and McKesson did not violate the FCA or the Anti-Kickback Act because their business negotiations were fair, reasonable and conducted in good faith. *See id.*, 900 F. Supp. 2d 683 (N.D. Miss. 2012). This case was featured in Law360's article "Health Care MVP: Akin Gump's Robert Salcido," where Mr. Salcido was selected as one of only four health care MVP's for 2012. Law360 also identified Akin Gump's health care practice as Health Practice Group of the Year in 2012, a distinction Akin Gump has enjoyed repeatedly since then.

## D. Appeal

Robert has argued or participated in multiple FCA appeals where the Court ordered or affirmed district court dismissal of FCA action, including:

- *United States ex rel. Jamison v. McKesson Corp.:* Represented Golden Living before the 5th Circuit, which affirmed the district court's dismissal of the relator's action under the FCA public disclosure bar. *See id.*, 649 F.3d 322 (5th Cir. 2011).
- *United States ex rel. Assoc. Against Outlier Fraud v. Huron Consulting Grp., Inc.:* Represented Huron Consulting Group before the 2nd Circuit, which affirmed the district court's ruling granting summary judgment for defendants. *See id.*, 567 Fed. Appx. 44 (2d Cir. 2014).

- *United States ex rel. Harman v. Trinity Indus., Inc.*: Represented Trinity Industries in its appeal from a \$663 million FCA judgment. The 5th Circuit reversed the trial court's verdict, finding that the relator failed to satisfy the FCA's materiality element. *See id.*, 872 F.3d 645 (5th Cir. 2017).
- *In re Natural Gas Royalties Qui Tam Litigation*: Represented ExxonMobil before the 10th Circuit, which affirmed the district court's dismissal of the relator's action under public disclosure bar. *See id.*, 562 F.3d 1032 (10th Cir. 2009).
- *United States ex rel. Jehl v. GGNSC Southaven, LLC*,: Represented Golden Living nursing facility before the 5th Circuit affirming district court ruling at summary judgment that defendants demonstrated that relator failed to establish every element to FCA liability. *See id.*, 2022 U.S. App. LEXIS 33584 (5th Cir. Dec. 6, 2022).



## Books

- False Claims Act & the Healthcare Industry: Counseling & Litigation (4th ed. American Health Law Ass'n 2022).

## Chapters in Books

- *The False Claims Act in Health Care Prosecutions: Application of the Substantive, Qui Tam, and Voluntary Disclosure Provisions*, in **HEALTH CARE FRAUD AND ABUSE: PRACTICAL PERSPECTIVES**, CH. 3 (3d ed. BNA Books 2013).
- *False Claims Act: Health Care Applications and Defenses* in **BLOOMBERG BNA HEALTH LAW & BUS. SERIES** No. 2650 (2012).
- *When Legal Advice is Advisable*, Coding for Chest Medicine, Ch. 28 (**AMERICAN COLLEGE OF CHEST PHYSICIANS** 2014).
- *Addressing Challenges in Defense of a Health Care Fraud or Abuse Investigation*, in *Inside the Minds: Responding to Health Care Fraud and Abuse Investigations*, Ch. 4 (**ASPATORE BOOKS** 2008).

## Articles

- *Multiple Appellate Courts Now Rule that Government and Relator Cannot Take Advantage of Ambiguous Law to File False Claims Act Lawsuit to Obtain Treble Damages and Civil Penalties*, Akin Gump False Claims Act Public Disclosure Alert, April 28, 2022.
- *OIG Joint Venture Advisory Opinion Does Not Consider Multiple Court Decisions That Undermine the Conclusions in Its Opinion*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (March 22, 2022).
- *FCA Proposal Is Unfair And Would Hinder Economic Growth*, LAW360 (September 22, 2021).
- *When Can Opinions Be “False” and Result in False Claims Act Liability: Three Circuit Courts Provide Conflicting Guidance—Part I*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (February 2021).
- *11th Circuit’s Decision in AseraCare: Important in Determining When Clinical Judgment Regarding Medical Necessity Can Result in an Overpayment and How Evidence Regarding Corporate Knowledge Must Be Tied to Claims to Establish False Claims Act Liability*, GOVERNMENT CONTRACTING LAW REPORT (December 2019).
- *Three Years After Escobar: Lessons Learned Regarding Plaintiffs’ Efforts to Neutralize Escobar and Opportunities This Practice Raises for Defendants*, GOVERNMENT CONTRACTING LAW REPORT (September 2019).
- *9th Cir. FCA Ruling Undermines Escobar*, LAW360 (September 10, 2018).

- *False Claims Act Circuit Splits—FCA Issues That May Soon Reach The Supreme Court Or Lead To Congressional Amendment*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (April 2018).
- *Under What Circumstances Can a Private Qui Tam Plaintiff Overrule Government Agency Experts' Use of Administrative Discretion to File False Claims Act Actions in the Post-Escobar World?* PRATT'S GOVERNMENT CONTRACTING LAW REPORT (December 2017).
- *Recent Significant Case Law Developments Regarding What Constitutes a Reckless Interpretation of a Law and When Retention of an Overpayment Violates the False Claims Act*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (December 2016).
- *What Must the Government Prove to Establish That a Defendant Recklessly Interpreted a Statute or Regulation in Violation of the False Claims Act?—Part I*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (May 2016).
- *Understanding When an Overpayment Can Result in False Claims Liability and Why Current Court Precedent and Regulatory Guidance is Mistaken—Part I*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (March 2016).
- *Minimizing Exposure to Stark Law Liability in False Claims Act Cases by Isolating Those Who Determine Fair Market Value From Those Who Measure Contribution Margin or Other Similar Operational Data*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (February 2016).
- *When a Violation of a Rule or Regulation Becomes an FCA Violation: Understanding the Distinction Between Conditions of Payment and Conditions of Participation*, PRATT'S GOVERNMENT CONTRACTING LAW REPORT (January 2016).
- *The False Claims Act: Is it Narrowly Intended to Protect the Treasury or Broadly Intended to Enforce All Rules and Regulations?* JOURNAL OF HEALTH & LIFE SCIENCES LAW, American Health Law Association (June 2014).
- *The 2009 False Claims Act Amendments: Congress' Efforts to Both Expand and Narrow the Scope of the False Claims Act*, 39 PUB.CONT.L.J. 4 (2010) [favorably cited in *United States ex rel. Farmer v. Eagle Sys. Servs.*, 2015 U.S. Dist. LEXIS 2492 (E.D.N.C. Jan. 9, 2015)].
- *Lessons From a Claims Act Case Alleging a Violation of the Anti-Kickback Act: United States ex rel. Pogue v. Diabetes Treatment Centers*, THE METROPOLITAN CORPORATE COUNSEL, (March 2009) (co-authored with Kelly Cleary and Mara McDermott).
- *Limiting the Scope of the False Claims Act: the Tenth Circuit's Decision in United States ex rel. Conner v. Salina Regional Health Center*, THE METROPOLITAN CORPORATE COUNSEL, (February 2009) (co- authored with Kelly Cleary and Mara McDermott).
- *Recent False Claims Act Prosecutions Fall Flat*, THE NATIONAL LAW JOURNAL (July 4, 2005).
- *The Government's Increasing Use of the False Claims Act Against the Health Care Industry*, JOURNAL OF LEGAL MEDICINE (December 2003) [favorably cited in *United States ex rel. Phillips v. Permian Residential Care Center*, 386 F. Supp. 2d 879 (W.D. Tex. 2005) and *United States ex rel. Bailey v. Ector County Hosp.*, 386 F. Supp. 2d 759 (W.D. Tex. 2004)].

- *HHS Expanded Use Of Fraud Law’s “Corporate Death Sentence” Is Legally Suspect*, WASHINGTON LEGAL FOUNDATION (June 2003) (co-authored with Ronald H. Clark and Gabriel L. Imperator).
- *The Public Disclosure Bar of the False Claims Act*, HEALTH CARE FRAUD LITIGATION REPORTER (April 2002).
- *The Government Unleashes the Stark Law to Enforce the False Claims Act: the Implications of the Government’s Theory for the Future of False Claims Act Enforcement*, THE HEALTH LAWYER (August 2001).
- *Government’s Recent Law Enforcement Efforts: What Can Be Learned from the Latest FCA Complaints*, HEALTH CARE FRAUD LITIGATION REPORTER (June 2001).
- *The Supreme Court’s Ruling in Vermont Agency of Natural Resources v. United States and the Future of False Claims Act Qui Tam Actions*, 28 HEALTH LAW DIGEST 3 (American Health Law Ass’n, August 2000).
- *The Use Of Voluntary Disclosures to Pre-Empt Qui Tam Actions under the False Claims Act: An Analysis of the Bank of Farmington Case and the OIG’s Voluntary Disclosure Program*, 27 HEALTH LAW DIGEST 3 (American Health Law Ass’n, April 1999).
- *The Government Declares War on Qui Tam Plaintiffs Who Lack Inside Information: The Government’s New Policy to Dismiss These Parties in False Claims Act Litigation*, THE HEALTH LAWYER (October 2000) [favorably cited in *United States ex rel. Bagley v. TRW, Inc.*, 212 F.R.D. 554 (C.D. Cal. 2003)].
- *Mixing Oil and Water: The Government’s Mistaken Use of the Medicare Anti-Kickback Statute in False Claims Act Prosecutions*, 6 ANNALS HEALTH L. 105 (1997).
- *Application of the False Claims Act “Knowledge” Standard: What One Must “Know” to be Held Liable Under the Act*, THE HEALTH LAWYER (Mid-Winter 1996).
- *Screening Out Unworthy Whistleblower Actions: An Historical Analysis of the Public Disclosure Jurisdictional Bar to Qui Tam Actions Under the False Claims Act*, 24 PUB.CONT.L.J. 237 (1995) [favorably cited in *United States v. Board of Trustees of Stanford Univ.*, 161 F.3d 533 (9th Cir. 1998); *United States ex rel. Findley v. FPC-Boron Employees’ Club*, 105 F.3d 675 (D.C. Cir. 1997); *United States ex rel. Ackley v. IBM*, 76 F. Supp. 2d 654 (D. Md. 1999); and *United States ex rel. Mistick PBT v. Housing Authority*, 186 F.3d 376 (3d Cir. 1999) (dissenting opinion)].
- *Investigating Allegations of Fraud: Questions to Ask When Evaluating Whether Cost Report Claims Breach the False Claims Act*, HEALTH CARE FRAUD LITIGATION REPORTER (February, 2000).
- *DOJ Must Reevaluate Use of False Claims Act in Medicare Disputes*, WASHINGTON LEGAL FOUNDATION (Jan. 7, 2000).
- *HHS’ Voluntary Disclosure Program: How To Obtain Benefits Under The Program While Minimizing Risk*, THE HEALTH LAWYER (Summer 1995).
- *Coding Component: Important Element Of Compliance Plan*, HEALTHCARE FINANCIAL MANAGEMENT (Aug., 1997) (co-authored with Trudy Whitehead).

- *The Supreme Court Punts: The Court's Non-Ruling On The False Claims Act And Its Implications For The Health Care Industry*, THE HEALTH LAWYER (vol. 9, no. 7, 1997)



- American Health Law Association Long Term and Post-Acute Care Law and Compliance 2023, Topic: *AseraCare's Aftermath and Other Trending False Claims Act Defenses Related to Government Investigations and Litigation Against Long Term and Post-Acute Care Providers* (March 2, 2023)
- American Health Law Association Webinar, Topic: Health Care Fraud and Abuse: 2022 False Claims Act Update (October 19, 2022)
- American Health Law Association Fraud and Compliance Forum, Topic: False Claims Act Update (September 28-30, 2022)
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- American Health Law Association In-House Counsel Program, Topic: Efficiently and Effectively Managing Government Law Enforcement Investigations (June 26, 2022)
- ACI's Virtual False Claims and Qui Tam Summit for Life Sciences and Healthcare, Topic: FCA Activity Surrounding Nursing Homes, Skilled Nursing Facilities, and Hospice Care: Unwritten Lessons for Life Sciences & Healthcare Companies (September 24, 2021)
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- American Health Law Association Annual Meeting, Topic: Fraud Hot Topics (June 30, 2020)
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- The Healthcare Roundtable, Topic: Qui Tam Settlements - Latest Trends (September 11-13, 2019)
- Congressional Civil Justice Academy, Topic: Department of Justice's Evolving Civil Enforcement Priorities (February 22, 2019)
- Southeastern White Collar Crime Institute, Topic: Health Care Enforcement and the False Claims Act (FCA) - Industry Trends and Legal Developments (September 5-7, 2018)
- American Health Law Association Webinar, Topic: False Claims Act, Known Overpayments, Kickbacks and Stark: The Next Wave of FCA Actions (April 30, 2018)
- Harvard Law School Association of Washington, DC, Topic: Deregulation in the Federal Agencies (February 22, 2018)

- America Conference Institute 5th Advanced Forum on False Claims and Qui Tam Enforcement, Topic: A Hands-on and Complete Review of the False Claims Act, Key Cases and Major Developments of 2017 (January 31, 2018)
- Strafford Live Webinar Physician-Vendor Relationship Compliance: Minimizing False Claims, Anti-Kickback Risks, Topic: Current Areas Targeted for Enforcement (January 10, 2018)
- DC Bar Webinar, Topic: Hot Topics in Litigating False Claims Act Cases (October 25, 2017)
- American Health Law Association Webinar, Topic: 2016 in Review: Traveling the Road to Value-Based Payment in a Regulatory Enforcement Minefield, Part I: Universal Health Services v. Escobar + The Yates Memo: What Do They Mean for Health Care Counsel, Compliance Officers, and Compensation Consultants? (October 18, 2016)
- American Health Law Association Fraud and Compliance Forum, Baltimore, Maryland, Topic: Legal Ethics: Practical Aspects to Preserving, Protecting or Waiving Attorney-Client Privilege (September 27- 29, 2015)
- American Health Law Association Webinar, Topic: Rules, Tools, and Fools: “Hot Buttons” in Physician Compensation Planning Series, Part V: Requesting, Reviewing, Using, and Discarding FMV Opinions (April 10, 2015)
- CLE International Qui Tam False Claims Act: All Points of View Conference, San Francisco, CA, Topic: Recent FCA Case Law Developments and Damages and Penalties (April 18, 2013)
- American Bar Association webinar, Topic: Health Care Fraud Abuse: False Claims Act Fundamentals (February 6, 2013)
- American Health Law Association Fraud and Compliance Forum, Baltimore, Maryland, Topic: The Compliance Conundrum: What to Do When a Potential Whistleblower Appears in Your Office? (September 30-Oct. 2, 2012)
- American Bar Association’s 9th National Institute on the Civil False Claims Act, Washington, D.C., Topic: Recent Developments on Damages and Penalties (June 6-8, 2012)
- Society of Corporate Compliance Web Conference, Topic: Key Compliance Considerations When Dealing with the Federal Government: False Claims, Antitrust, and FCPA (June 6, 2012)
- American Conference Institute’s 11th National Conference on Reducing the Legal Risks in the Sales and Marketing of Medical Devices, Chicago, Illinois, Topic: Steering Clear of Civil and Criminal Liability for Sales and Marketing Practices the Face of Stepped Up Investigations: The Enforcers Speak (May 27-28, 2011)
- American Bar Association’s 21st Annual National Institute on Health Care Fraud, Miami Beach, Florida, Topic: Criminal and Civil Liability for Lack of Medical Necessity (May 11-13, 2011)
- Health Care Compliance Association’s 15th Annual Compliance Institute, Lake Buena Vista, Florida, Topic: Quality of Care, Medical Necessity and Fraud and Abuse Liability (April 10-13, 2011)

- American Health Law Association Fraud and Compliance Forum, Baltimore, Maryland, Topic: How the Government Proves and How a Provider Can Defend Medical Necessity Claims (September 26-28, 2010)
- American Bar Association's 8th Annual National Institute on the Civil False Claims Act and Qui Tam Enforcement, Washington, D.C., Topic: Recent Developments on Liability (June 3, 2010)
- American Conference Institute's 10th National Forum on Fraud and Abuse in the Sale and Marketing of Drugs, New York, New York, Topic: Anticipating and Preparing for a Rise in Qui Tam Actions (March 24-25, 2010)
- American Conference Institute's Advanced Forum on Financial Institution Fraud Enforcement & Financial Recovery Measures, New York, New York, Topic: Utilizing Recent FCA Cases and Enforcement Efforts on the Healthcare and Defense Fronts to Your Advantage as You Prepare for New FI Compliance Exposures (November 16, 2009)
- American Health Law Association Fraud and Compliance Forum, Baltimore, Maryland, Topic: How to Defeat the Government's Claims that the Provider's Services Lack Medical Necessity (October 5, 2009)
- Strafford Publishing Teleconference, Topic: Physician-Vendor Relationships Under Heightened Government Scrutiny Minimizing False Claims, Stark and Anti-Kickback Liabilities While Maximizing Opportunities (January 14, 2009)
- American Conference Institute 8th National Conference, Chicago, Illinois, Topic: Reducing Legal Risks in the Sale and Marketing of Medical Devices (November 18, 2008)
- American Health Law Association Fraud and Compliance Forum, Baltimore, Maryland, Topic: How to Defeat the Government's Claims that the Provider's Services Lack Medical Necessity, (October 6-7, 2008)
- American Bar Association Section of Public Contract Law, New York, New York, Topic: What A Defendant Must Know To Be Liable Under The False Claims Act: The Supreme Court's Decision in *Allison Engine Co. v. United States ex rel. Sanders*, (August 11, 2008)
- Strafford Publications Physician-Vendor Relationships Under Heightened Government Scrutiny Teleconference, Minimizing False Claims, Stark and Anti-Kickback Liabilities While Maximizing Opportunities (July 17, 2008)
- American Bar Association Section of Litigation Annual Conference, Washington, DC, Topic: Johnny Won't You Blow Your Horn - Whistleblowers under the False Claims Act and the Sarbanes-Oxley Act (April 18, 2008)
- American Conference Institute 8th National Forum on Fraud & Abuse in the Sale and Marketing of Drugs, New York, New York, Topic: Best Practices on Handling Divergent State Reporting Requirements (April 8, 2008)
- Kansas Association of Hospital Attorneys, Wichita, Kansas: "Latest Government Fraud and Abuse Enforcement Initiatives" (November 14, 2007)

- Strafford Publications False Claims Act in Health Care Teleconference: “Government’s Reach Extends Beyond Fraud” (November 8, 2007)
- Sixth Annual Energy Litigation Conference, Houston, Texas: “False Claims Act/*Qui Tam* Litigation” (October 10, 2007)
- Strafford Publications Physician-Vendor Relationships Under Heightened Government Scrutiny Teleconference: “Government Application of the Stark Law, the Anti-Kickback Statute and the False Claims Act to Physician-Vendor Relationships” (October 3, 2007)
- American Bar Association Teleconference: “False Claims Act Updated: An Insiders’ View on Liability” (July 25, 2007)
- American Conference Institute State False Claims Summit, New York, New York: “Conducting Effective Investigations and Defending Actions in Parallel State and Federal FCA Proceedings” (May 23-24, 2007)
- Fourth Annual CLE Conference and National Meeting of the Federal Bar Association’s Criminal Law Section, New Orleans, Louisiana: “The Federal False Claims Act: An Overview and Analysis of Parallel Criminal and Civil Proceedings” (May 11, 2007)
- Sixth National Pharmaceutical Counsel’s Forum, New York, New York: “Master Class on Developing a State-Law Compliance Program Under the Deficit Reduction Act of 2005” (October 11-12, 2006)
- American Conference Institute Advanced National Forum on False Claims Act Enforcement & Litigation, Washington, D.C.: “False Claims Act Actions 101: The Complete Primer” and “Getting the Most Paying the Least: Key Aspects of Damage Awards, Penalties, Taxes and Fees” (June 16-17, 2005)
- 9th Annual Compliance Strategies Conference, Las Vegas, NV: “Prevent the Government from Using your Compliance Program Against You” (June 2-3, 2005)
- American College of Legal Medicine 45th Annual Conference, San Diego, CA: “Current Federal Enforcement Initiatives” (March 3-6, 2005)
- American Bar Association’s 2nd Annual Washington Healthcare Summit, Washington, D.C.: “Bringing and Defending Fraud and Abuse Cases: Recent Initiatives and Defenses” (December 6-7, 2004)
- American College of Legal Medicine on Cancer and the Law, New Orleans, LA: “Fraud, Abuse, and False Claims: Federal and State Enforcement” (October 1-2, 2004)
- American Bar Association 14th Annual National Institute on Health Care Fraud 2004, New Orleans, LA: “Quality of Care and Fraud in Long-Term Care” (May 12-14, 2004)
- The Seminar Group, *Qui Tam* Litigation Under the False Claims Act, Seattle, WA: “Current FCA Legal Developments” (April 2, 2004)

- Decision Health Conference on Teaching Physician Rules: Dos and Don'ts for Documentation & Compliance, Dallas, TX: "Internal Audits and how to Safeguard your Practice from Whistleblower Lawsuits" (March 22-23, 2004)
- Medicaid Drug Rebate Program Annual 2004 Conference, Philadelphia, PA: "False Claims and Statements and Voluntary Disclosure" (February 24, 2004)
- American Health Law Association Teleconference: "False Claims Act and the Healthcare Industry: Recent Developments" (January 27, 2004)
- American Bar Association's 4th Annual Conference on Civil False Claims Act and *Qui Tam* Enforcement, Washington, D.C.: "Statutory Bars to *Qui Tam* Actions: Public Disclosure, Original Source and First to File" (January 30-31, 2003)
- American Health Law Association and Health Care Compliance Association Fraud & Abuse Compliance Forum, Washington, D.C.: "Preserving and Protecting Attorney-Client Information When Operating a Compliance Department" (September 30, 2002)
- American Bar Association's Conference on Emerging Issues in Healthcare Law 2002, Phoenix, AZ.: "Emerging Issues in Health Care Fraud and Abuse" (March 1, 2002)
- American Health Law Association's Hospitals and Health Systems Law Institute, Scottsdale, AZ: "The Government's Latest Enforcement Initiatives Under the False Claims Act against Hospitals" (February 7, 2002)
- American Bar Association's 3d Annual National Institute on the Civil False Claims Act and *Qui Tam* Enforcement, Washington, D.C.: "FCA Enforcement Against Medicare Part A Providers" (November 29, 2001)
- American Bar Association's Annual Meeting 2001, Chicago, IL: "Current Trends in Healthcare Fraud and Abuse" (August 6, 2001)
- American Bar Association's Conference on Health Care Fraud 2000, San Francisco, CA.: "*Qui Tam* False Claims Act Developments" (May 5, 2000)
- Third Annual National Congress on Health Care Compliance, Washington, D.C.: "Implications of the False Claims Act for Long Term Care Facilities and Home Health Agencies" (March 10, 2000)
- American Health Law Association Conference on Long Term Care and the Law, Orlando, Fla.: "False Claims Act - Long Term Care and Home Health Agencies" (February 2, 2000)
- American Bar Association's Conference on The Civil False Claims Act and *Qui Tam* Enforcement, Washington, D.C.: "Recent Developments on Liability" (January 13, 2000)
- American Health Law Association Teleconference Seminar on "False Claims Act and the Healthcare Industry," Washington, D.C., Topic: The Government's and Private Person's Enforcement of the False Claims Act and the Submission of Voluntary Disclosures (June 4, 1999)
- American Society for Healthcare Risk Management, American Hospital Association Conference on "Corporate Compliance," Chicago, Ill., Topic: The Roles And Responsibilities of Enforcement Agencies (December 7, 1998)

- American Society for Healthcare Risk Management, American Hospital Association Conference on “Corporate Compliance,” Seattle, Wa., Topic: The Roles And Responsibilities of Enforcement Agencies (May 6, 1998)
- American Compliance Institute Conference on “Whistle-Blowers and Hotlines: Strategies for Channeling or Dealing with Whistle-Blowers,” Washington, D.C., Topic: Anatomy of a Qui Tam -- Who Becomes A Relator and Why (April 30, 1997)
- Healthcare Financial Management Association (Philadelphia Metropolitan Chapter) Eighth Annual Reimbursement Seminar, Philadelphia, Pa., Topic: The Impact of Accurate Coding on Due Diligence (March 5, 1997)
- American Bar Association Conference on “Health Care Fraud & Abuse and the False Claims Act,” Orlando, Fla., Topic: Handling False Claims Actions: *Qui Tam* Suits and Voluntary Disclosures (February 23, 1996).